UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/755
15 October 1995

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Financing and adequate staffing resources for the operations of the human rights treaty bodies

Report of the Secretary-General

1. In paragraph 12 of resolution 49/178 of 23 December 1994 on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, the General Assembly endorsed the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with that in mind: (a) reiterated its request that the Secretary-General provide adequate resources in relation to the various treaty bodies; and (b) requested the Secretary-General to report on the question to the General Assembly at its fiftieth session.

2. The present report is submitted in accordance with that resolution. It provides information on the increase in the workload associated with (a) the operations of the State reporting procedures of treaty bodies and on the number of staff assigned to provide substantive and technical support to them under those procedures, and (b) activities related to the individual complaints procedures under the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and staff assigned to provide substantive and technical support to the respective treaty bodies under these procedures.

(a) Activities related to State reporting procedures

3. The growth associated with treaty body operations under State reporting procedures is attributable primarily to the increase in ratifications of

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international human rights instruments, in meetings of the treaty bodies monitoring those instruments and of the chairpersons coordinating the treaty system, as well as the considerable modifications in the methods of work of the treaty bodies during the past five years resulting largely from the end of the cold war and the attendant increase in the scope of treaty body activities.

4. As at 30 June 1995, the Centre for Human Rights was responsible for monitoring human rights treaties that had been ratified by a total of 673 States (not including the International Convention on the Suppression and Punishment of the Crime of Apartheid, which had been ratified by a further 99 States and whose monitoring was suspended by the Commission on Human Rights in February 1995). The comparable number of ratifications on 30 June 1990 was 459. Annual meeting time for the various treaty bodies rose from 23 weeks in 1990 to 44 weeks in 1995. The five international human rights instruments with monitoring mechanisms currently supported by the Centre for Human Rights are the two International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

5. In 1990, the substantive support to the monitoring activities of human rights treaty bodies requested from the Secretariat consisted mainly in the preparation of draft annual reports of those bodies to the General Assembly and of analyses of approximately 10 country situations for the Human Rights Committee. In 1995, in addition to those tasks, activities entrusted by the treaty bodies to the Secretariat consist in: (i) the preparation of approximately 60 country files every year; (ii) the preparation of approximately 50 analyses of country situations every year for three human rights treaty bodies, namely, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child; (iii) the drafting of approximately 85 concluding observations on States reports considered by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child; (iv) assistance in the preparation of studies, manuals and the conduct of inquiries, in particular, those decided upon by the Committee against Torture, as well as the participation in fellowship programmes, training courses and other programmes of technical assistance relating to the monitoring of international human rights instruments.

6. The staff assigned, in 1990, to research and other support activities of the State reporting procedures of human right treaty bodies consisted of six Professional and four General Service staff; in 1995, it consists of 11 Professional and six General Service staff, including a documentalist.

(b) Activities related to individual complaints procedures

7. In addition to the servicing of treaty-based State reporting procedures, the Centre for Human Rights is also responsible for the servicing of the following treaty-based communications procedures: (i) that under the Optional Protocol to the International Covenant on Civil and Political Rights; (ii) under article 22 of the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Punishment; and (iii) under article 14 of the International

Convention on the Elimination of All Forms of Racial Discrimination. By 30 June 1995, 84 States parties had ratified or acceded to the Optional Protocol (51 as of December 1990); 36 had accepted the competence of the Committee against Torture under article 22 of the Convention (25 as of December 1990); and 22 had accepted the competence of the Committee on the Elimination of Racial Discrimination under article 14 of the Convention (14 as of December 1990). Registered communications now relate to some 50 States parties, compared with 32 in December 1990. With the increased State acceptance of the procedures in question, communications may now be expected to be received in some 36 languages, compared with 16 in December 1990.

8. As in the work carried out under State reporting procedures, the increased number of States parties that have acceded to or accepted individual complaints procedures, and the increased public awareness of the existence of these procedures, has generated a steady increase in the volume and complexity of work carried out under these procedures. While the work involved correspondence with petitioners, their legal counsels and the Governments concerned in some 300 cases in 1990, it is envisaged that some 700 cases will have to be attended to in 1995. This includes correspondence in respect of formally registered cases and correspondence in cases not yet registered for consideration. In 1990, the work involved the drafting of 179 documents amounting to some 1,135 pages, compared with 257 documents of 1,989 pages in 1994. This volume of documentation will have increased further at the end of 1995.

9. The documentation drafted by the Secretariat for the treaty bodies under existing complaints procedures consists of: (i) confidential lists of communications containing detailed summaries of the complaints as initially submitted; (ii) working documents (fact sheets) containing the salient features of subsequent submissions from petitioners, their counsels and the States parties, as each case progresses through the procedure; (iii) draft recommendations on the course of action to be taken by the treaty body concerned in each case at the various steps in the procedure; (iv) draft decisions on admissibility and draft decisions on the merits of the claims, containing legal analysis of the issues raised and proposals for remedial action to be taken by States parties when violations are established; (v) reports on specific legal issues that may arise in the interpretation of particular treaty provisions, based on research into the travaux préparatoires of the treaty in question and the contemporary application of international human rights law in the light of the Vienna Convention on the Law of Treaties; (vi) draft additional rules of procedure, as may be required in the evolution of the work carried out by treaty bodies; and (vii) draft reports on the compliance by Governments with the decisions taken in concluded cases (follow-up reports). In addition, the Secretariat is expected to compile and edit one volume per year of the case law of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights.

10. The substantive services rendered to treaty bodies at their closed meetings during examination of individual complaints include the presentation of case files and the legal arguments of the petitioners and the Governments concerned, as well as up-to-date case law briefings, to permit consistency in action and evolution of practice when circumstances so warrant.

11. For their work performed under existing complaints procedures, the treaty bodies are at present serviced by four Professional and three General Service staff, including a specialized documentation clerk, compared with three Professional and three General Service staff in 1990.